

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Michael Thomas Butka,

Plaintiff,

v.

Case No. 16-13923

Commissioner of Social Security,

Sean F. Cox
United States District Court Judge

Defendant.

ORDER ADOPTING

2/7/18 REPORT AND RECOMMENDATION

Plaintiff filed this action seeking judicial review of Defendant Commissioner of Social Security's unfavorable decision denying his claim for a period of disability, disability insurance benefits, and supplemental security income. The matter was referred to Magistrate Judge Stephanie Dawkins Davis for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C). Thereafter, the parties filed cross-motions for summary judgment.

On February 7, 2018, the magistrate judge issued a Report and Recommendation ("R&R") (Docket Entry No. 18) wherein she recommends that the Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Motion for Summary Judgment, and affirm the Commissioner's decision.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall

make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

On February 21, 2018, Plaintiff filed timely objections to the R&R. (Docket Entry No. 19). Defendant filed a response to those objections on March 7, 2018. (Docket Entry No. 20).

To properly object to the R&R, however, the “Plaintiff must do more than merely restate the arguments set forth in [his or] her summary judgment motion.” *Senneff v. Colvin*, 2017 WL 710651 at *2 (E.D. Mich. 2017). A district court is not obligated to address objections that are recitations of the same arguments that were addressed by the magistrate judge because “such objections undermine the purpose of the Federal Magistrate’s Act, 28 U.S.C. § 636, which serves to reduce duplicative work and conserve judicial resources.” *Owens v. Commission of Soc. Sec.*, 2013 WL 1304470 at * 3 (W.D. Mich. 2013) (citing *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991)).

Plaintiff’s first objection to the R&R is that the “Magistrate Judge erred in finding that the ALJ properly found that she was not bound by the prior ALJ’s RFC assessment with respect to plaintiff’s carpal tunnel syndrome.” (Objs. at 3). His second objection is that the “Magistrate Judge erred in finding that the ALJ properly found that she was not bound by the prior ALJ’s RFC assessment with respect to plaintiff’s migraines.” (Objs. at 7). Plaintiff’s third and final objection is that the “Magistrate Judge erred in finding that the ALJ properly found that she was not bound by the prior ALJ’s RFC assessment with respect to plaintiff’s cognitive disorder.” (Objs. at 10).

As the Commissioner notes in her response, those objections consist of the same arguments Plaintiff presented to the magistrate judge. Indeed, some portions are nearly verbatim

to what was set forth in Plaintiff's briefs presented to the magistrate judge. Moreover, the Court agrees with the magistrate judge's analysis and conclusions as to these arguments.

Accordingly, the Court hereby ADOPTS the February 7, 2018 R&R and ORDERS that Plaintiff's Motion for Summary Judgment is DENIED, Defendant's Motion for Summary Judgment is GRANTED, and the Commissioner's decision is AFFIRMED.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox
United States District Judge

Dated: March 22, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 22, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy

Case Manager